

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**KHAN R. MOSLEH and ALPANA D.
MOSLEH,**

Plaintiffs,

VS.

**BANK OF AMERICA, N.A. and
NEW PENN FINANCIAL, LLC,**

Defendants.

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CIVIL ACTION NO. 4:18-cv-00530

NOTICE OF REMOVAL

Defendant Bank of America, N.A. (“BANA” or “Defendant”) files this Notice of Removal of the civil action brought against it by Plaintiffs Khan R. Mosleh and Alpana D. Mosleh (“Plaintiffs”) to the United States District Court for the Northern District of Texas. Removal is based on 28 U.S.C. § 1331 (federal question jurisdiction) and is authorized by 28 U.S.C. §§ 1441 and 1446.

I. INTRODUCTION

1. Plaintiffs commenced this action against Defendant by filing their Original Petition (the “Complaint” or “Compl.”) on June 5, 2018 in the 17th Judicial District Court, Tarrant County, Texas, as Cause No. 017-300078-18 (the “State Court Action”).

2. Plaintiffs assert claims for violation of the Real Estate Settlement Procedures Act (“RESPA”), breach of contract, promissory estoppel and seek injunctive relief in relation to a mortgage loan secured by the real property located at 4719 Enchanted Bay Blvd., Arlington, Texas 76016 (the “Property”). Compl. ¶ 6.

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, orders, and other papers filed in the State Court Action and obtained by BANA are attached hereto as **Exhibit A**.

II. TIMELINE FOR NOTICE OF REMOVAL

4. This removal is timely under 28 U.S.C. § 1446(b) because BANA was served with a summons and complaint on June 7, 2018 and files this Notice of Removal within 30 days of receiving notice of the suit. 28 U.S.C. § 1446(b).

5. In filing this Notice of Removal, BANA does not waive, and specifically reserves, any and all objections as to service, personal jurisdiction, defenses, exceptions, right and motions.

III. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

6. This action may be removed to this Court because it arises under 28 U.S.C. § 1331 (Federal Question).

7. This Court has original jurisdiction over the action under 28 U.S.C. § 1331 because Plaintiffs assert a claim for violation of the Real Estate Settlement Procedures Act, 12 C.F.R. § 1024.41 and enforceable under 12 U.S.C. § 2605, which is a federal law. Compl. at 8. Section 1331 provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.” 28 U.S.C. § 1331. Accordingly, this Court has original jurisdiction over Plaintiffs’ claims based on federal question jurisdiction. *Id.* This Court has supplemental jurisdiction over the remaining state law claims because the “form part of the same case or controversy.” 28 U.S.C. § 1367(a).

IV. ADDITIONAL REQUIREMENTS

8. This action is properly removed to this Court, as cases arising from Tarrant County, Texas are properly assigned to this Court. 28 U.S.C. § 124(c)(3).

9. In accordance with 28 U.S.C. § 1441(d), BANA will promptly file a copy of this Notice of Removal with the Clerk of the 17th Judicial District Court for Tarrant County, Texas.

10. In compliance with 28 U.S.C. §1446(b), Shellpoint consents to removal of this action.

WHEREFORE, having satisfied the requirements for removal under 28 U.S.C. §§ 1331, 1441, and 1446, BANA hereby gives notice that this action has been removed to this Court.

Respectfully submitted,

By: /s/ Kathryn B. Davis
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**COUNSEL FOR DEFENDANT
BANK OF AMERICA, N.A.**

CONSENT FOR REMOVAL

Defendant New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing hereby consents to removal of this case to the United States District Court for the Northern District of Texas, Fort Worth Division.

/s/ Matthew W. Lindsey
Matthew W. Lindsey
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Texas Bar No. 24071893
2001 Ross Avenue, Suite 3600
Dallas, Texas 75201
**Counsel for Defendant Shellpoint
Mortgage Servicing**

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and that I have sent the same:

Via email and Regular Mail

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/s/ Kathryn B. Davis
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